

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**CAROLYN TOLTON,
on behalf of herself and all others
similarly situated,**

Plaintiff,

Vs.

**COUNCIL FOR ECONOMIC
OPPORTUNITIES IN GREATER
CLEVELAND,**

Defendant.

CASE NO.1:08CV2588

JUDGE CHRISTOPHER A. BOYKO

ORDER

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Plaintiff Carolyn Tolton's Unopposed Motion and Memorandum in Support of Preliminary Approval of Class and Collective Action Settlement and Petition for Attorneys' Fees; Provisional Certification of Settlement Classes; Directing Distribution of Notice of Wage/ Hour Class and Collective Action Settlement and Claims Procedure; and Opportunity to Opt-Out of and Object to Settlement; and Setting Hearing for Final Approval of Settlement (ECF # 23). This Order addresses Plaintiff's Unopposed Motion for Provisional Class Certification.

The parties have entered into a proposed settlement of Plaintiff's Class and Fair Labor Standards Act Collective Action claims. Having reviewed the briefs, supporting materials, the proposed Settlement Agreement and having conferred with the parties in a conference held May 1, 2009, the Court preliminarily certifies the class.

The Court finds that all the requirements of Fed. R. Civ. P. 23(a) of numerosity, commonality, and typicality have been met and finds the Named Plaintiff will fairly and adequately protect the interests of the class. Furthermore, the Court finds that Fed. R. Civ. P. 23(b)(3) is satisfied because questions of law and fact common to class members predominate over any questions affecting only individual members and that class action is superior to other available methods.

Therefore, the Court certifies the following class:

“any and all persons employed by CEOGC as a family service worker at any time during the period from March 31, 2007 through and including March 31, 2009.”

The Court's Order on the remaining proposals presented in Plaintiff's Unopposed Motion will issue shortly.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

May 27, 2009

